

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

JOHN COLEMAN,

Petitioner,

v.

RICHARD JENNINGS,

Respondent.<sup>1</sup>

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Case No. 1:18CV160 RLW

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner's Motion for Appointment of Counsel.

(ECF No. 5)

There is no constitutional or statutory right to appointed counsel in a civil case. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, courts consider factors that include whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief, whether the plaintiff will substantially benefit from the appointment of counsel, whether there is a need to further investigate and present the facts related to the plaintiff's allegations, and whether the factual and legal issues presented by the action are complex. *See Battle v. Armontrout*, 902 F.2d 701, 702 (8th Cir. 1990); *Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

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<sup>1</sup> Respondent indicates that Richard Jennings is now the warden of Potosi Correctional Center, where Petitioner is housed. Under Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts, "the petition must name as respondent the state officer who has custody." Therefore, Richard Jennings's name will be substituted as the named Respondent in this action.


After considering Petitioner's Motion for Appointment of Counsel, in view of the relevant factors, the Court finds that the facts and legal issues presented in the instant case are not so complex as to warrant the appointment of counsel at this time. In addition, the pleadings filed by John Coleman, indicate that he is capable of presenting the facts and legal issues without the assistance of counsel. Petitioner's Motion for Appointment of Counsel will therefore be denied.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's Motion for Appointment of Counsel (ECF No. 5) is **DENIED without prejudice**.

**IT IS FURTHER ORDERED** that the Clerk of Court shall substitute Richard Jennings as the proper respondent in this action.

Dated this 21st day of February, 2019.

  
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**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**